

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

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**In re: Request for Exemption from Electronic Public  
Access Fees (PACER), by Oregon Natural Desert  
Association**

Case No.: 3:02-mc-0006

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**ORDER GRANTING REQUEST FOR EXEMPTION**

Upon application and request by Oregon Natural Desert Association for exemption from the electronic public access fees,

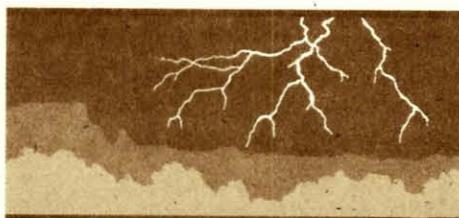
The court finds that Oregon Natural Desert Association has met the standards for exemption as defined in the Department of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act P.L. 101-515 §404 (November 5, 1990).

It is ORDERED that Oregon Natural Desert Association is exempt from fees and charges incurred for electronic access to court electronic records for a period of 12 months from the date of this order. Data, dockets, reports and documents obtained by Oregon Natural Desert Association using an exempt fee account will not be sold for profit, transferred, or otherwise provided to third parties.

DATED this 2<sup>nd</sup> day of February, 2010.

  
Ann Aiken, Chief U.S. District Court Judge

cc:  Oregon Natural Desert Association  
PACER Service Center  
File



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Oregon Natural Desert Association

January 25, 2010

Mary L. Moran, Clerk of the Court  
United States District Court  
District of Oregon  
740 United States Courthouse  
1000 SW Third Avenue  
Portland, OR 97204

Re: PACER Exempt Status, Case No. 3:02-mc-006

Dear Ms. Moran:

I write in response to your letter dated Jan. 12, 2010 to request the Court to renew the Oregon Natural Desert Association's ("ONDA") exemption from fees incurred in connection with electronic public access to court records via PACER.

The Judicial Conference of the United States has provided that "the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information." The Advisory Notes list not-for-profit organizations as one example of an entity that may qualify for an exemption. ONDA is a non-profit, public interest organization. ONDA's mission is to protect, defend and restore Oregon's native deserts for present and future generations. ONDA strives to advance efforts to protect the environment by serving as a resource for its members and the general public across the state, the region and the country.

ONDA projects that its 2010 annual budget will be approximately \$833,500. Funding is derived primarily from private foundation grants and individual (including membership) contributions. ONDA's 2009 annual expense was \$737,400. It is difficult to estimate the costs ONDA will incur as a result of the approved PACER fees; however, the fees are likely to place an unreasonable burden on a small organization representing members of the public that could not otherwise afford legal representation. As well, ONDA's ability to access the PACER system provides and promotes significant public access to court records and information. One of ONDA's main goals is to disseminate pertinent information to its members and the general public in a variety of ways, including via litigation, ONDA's annual membership meeting, quarterly board meetings, the semi-annual Desert Conference held in eastern Oregon, the ONDA website, email list serve and social media networks, involvement in public initiatives, and educational efforts such as organized field trips, lectures, slide shows and similar grassroots public education. Therefore, I respectfully request this Court to renew its decision to exempt ONDA from the PACER fee requirement.

If I can provide any further information, please call me at 503-525-0193. Thank you for your attention to this matter.

Sincerely,



Peter M. Lacy ("Mac"), Senior Attorney  
Oregon Natural Desert Association

917 SW Oak Street, Suite 408  
Portland, OR 97205  
lacy@onda.org

cc: Brent Fenty, Executive Director  
Oregon Natural Desert Association